

EA 82-0893  
31 March 1982

MEMORANDUM FOR THE RECORD

SUBJECT: Foreign Missions Act, S.854

1. Subject legislation may be considered on the Senate floor for final passage shortly after the Members return from the Easter recess (last two weeks in April).

2. As stated in the Senate Foreign Relations Committee Report, the purpose of this legislation is:

"...to address a serious and growing imbalance between the treatment accorded in many countries to official missions of the [U.][S.], and that made available to foreign government missions in the [U.][S.]. At present, the Department of State lacks authority compared to that enjoyed by many other governments to enforce reciprocity in an appropriate manner." (Senate Report 97-283, page 1.)

3. The legislation would establish an Office of Foreign Missions (Office) within the Department of State whose main purpose is to dispense "benefits" (as defined in the Bill; see attached) to foreign missions. Such benefits would be dispensed via the Office "...on such terms and conditions as the Secretary may approve." The legislation specifically lists--although not exhaustively--the terms and conditions the Secretary may establish. Additionally, a key provision deals with the location of foreign missions in the District of Columbia via the establishment of a D.C. Foreign Missions Commission whose membership includes the Secretary of Defense, among others.

4. We have been monitoring this legislation since its inception. Our position on the subject has been that the legislation posed no threat to Agency equities. Moreover, we didn't want to "flag" intelligence interest in foreign missions via specific statutory language. The Bill, as drafted, provided ample room for intelligence input via State or SecDef channels. This accounted for our desire not to endorse any amendments which would have signaled Intelligence Community interests especially with regard to locations of foreign missions in the District. Accordingly, it was decided that the Agency would not get out front on the legislation but rather would provide behind-the-scenes "muted" support on the Hill to State should that be required (Ref: OGC 82-06397, 30 July 1981, "Foreign Missions").

4. Nevertheless, Senator Henry Jackson (D., WA) is concerned that the Bill, as written, leaves too much to the discretion of the Secretary of State. In order to guarantee that national security equities are taken into account, no matter what the tenor of the administration in power, Senator Jackson's staff has drafted an amendment creating a new Section 211 calling for the President to approve procedures and guidelines within whose parameters the Secretary of State must act in exercising the authorities granted the latter in the statute. The proposed amendment--which will be offered on the Floor by Senator Charles Percy (R., IL), Chairman of the Senate Foreign Relations Committee--is attached, along with sectional analysis. Senator Jackson's staff has asked for a letter from the DCI in support of the Percy Floor amendment. The DCI's draft letter is attached for coordination.

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Chief, House Liaison

Attachments  
As stated

## Distribution:

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LLD: (30 March 1982)

rewritten:mm (1 April 1982)

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97TH CONGRESS  
1ST SESSION

S. 854

[Report No. 97-283]

To promote the orderly conduct of international relations by facilitating the operation of foreign missions in the United States, thereby promoting the secure and efficient operation of United States missions abroad.

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## IN THE SENATE OF THE UNITED STATES

APRIL 1 (legislative day, FEBRUARY 16), 1981

Mr. PERCY (for himself, Mr. GLENN, and Mr. PRESSLER) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

JUNE 2 (legislative day, JUNE 1), 1981

Ordered, that if and when reported, the bill be referred to the Committee on Governmental Affairs for a period of ninety calendar days, excluding weekends, holidays, and those periods when the Senate is not in session

JUNE 4 (legislative day, JUNE 1), 1981

Ordered, that if and when reported, the bill be referred to the Committee on Governmental Affairs for a period of forty-five calendar days, excluding weekends, holidays, and those periods when the Senate is not in session

NOVEMBER 30, 1981

Reported by Mr. PERCY, with amendments

[Omit the part struck through and insert the part printed in italic]

NOVEMBER 30, 1981

Referred to the Committee on Governmental Affairs pursuant to the order of  
June 4, 1981

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## A BILL

To promote the orderly conduct of international relations by facilitating the operation of foreign missions in the United

1 priate benefits, privileges, and immunities for those missions  
2 and organizations and to require their observance of corre-  
3 sponding obligations in accordance with international law.

4     “(c) The assistance to be provided to a foreign mission  
5 in the United States shall be determined after due considera-  
6 tion of the benefits, privileges, and immunities provided to  
7 missions of the United States in the country or territory rep-  
8 resented by that foreign mission.

9                     “DEFINITIONS

10     “SEC. 202. (a) For purposes of this title—

11             “(1) ‘benefit’ (with respect to a foreign mission)  
12             means any acquisition, or authorization for an acqui-  
13             sition, in the United States by or for a foreign mission,  
14             including the acquisition of—

15                 “(A) real property by purchase, lease, ex-  
16                 change, construction, or otherwise,

17                 “(B) public services, including services relat-  
18                 ing to customs, importation, and utilities, and the  
19                 processing of applications or requests relating to  
20                 public services,

21                 “(C) supplies, maintenance, and transporta-  
22                 tion,

23                 “(D) locally engaged staff on a temporary or  
24                 regular basis,

25                 “(E) travel and related services, and

1           “(F) protective services,  
2           and includes such other benefits as the Secretary may  
3           designate;

4           “(2) ‘chancery’ means the principal offices of a  
5           foreign mission used for diplomatic or related purposes,  
6           and annexes to such offices (including ancillary offices  
7           and support facilities), and includes the site and any  
8           building on such site which is used for such purposes;

9           “(3) ‘Director’ means the Director of the Office of  
10          Foreign Missions established pursuant to section  
11          203(a);

12          “(4) ‘foreign mission’ means any official mission to  
13          the United States involving diplomatic, consular, or  
14          other governmental activities of—

15               “(A) a foreign government, or

16               “(B) an organization (other than an interna-  
17          tional organization, as defined in section 209(b) of  
18          this title) representing a territory or political  
19          entity which has been granted diplomatic or other  
20          official privileges and immunities under the laws  
21          of the United States,

22          including any real property of such a mission and in-  
23          cluding the personnel of such a mission;

24          “(5) ‘real property’ includes any right, title, or in-  
25          terest in or to, or the beneficial use of, any real prop-

97TH CONGRESS }  
1st Session }

SENATE

REPORT  
No. 97-283

## FOREIGN MISSIONS ACT OF 1982

NOVEMBER 30, 1981.—Ordered to be printed

Mr. PERCY, from the Committee on Foreign Relations, submitted  
the following

### REPORT

together with

### MINORITY VIEWS

[To accompany S. 854]

The Committee on Foreign Relations, to which was referred the bill (S. 854) to promote the orderly conduct of international relations by facilitating the operation of foreign missions in the United States, thereby promoting the secure and efficient operation of United States missions abroad, having considered the same, reports favorably thereon with amendment(s) and recommends that the bill (as amended) do pass.

### PURPOSE

The purpose of S. 854 is to address a serious and growing imbalance between the treatment accorded in many countries to official missions of the United States, and that made available to foreign government missions in the United States. At present, the Department of State lacks authority compared to that enjoyed by many other governments to enforce reciprocity in an appropriate manner.

S. 854, as proposed by Senator Percy, provides mechanisms whereby the operations of foreign missions in the United States and the benefits available to them from Federal, State and local authorities, public utilities, and private persons may be cleared through the Federal Government and adjusted according to United States needs abroad as well as national security interests here at home. In this way, the conditions under which foreign missions

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97TH CONGRESS  
1ST SESSION

S. 854

[Report No. 97-283]

To promote the orderly conduct of international relations by facilitating the operation of foreign missions in the United States, thereby promoting the secure and efficient operation of United States missions abroad.

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Reported by Mr. PERCY, with amendments

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NOVEMBER 30, 1981

Referred to the Committee on Governmental Affairs pursuant to the order of  
June 4, 1981

---

A BILL

To promote the orderly conduct of international relations by facilitating the operation of foreign missions in the United



TO : <del>DD/XX/XX</del> D/OEXA	via: DD/OEXA	via: NDL	DATE OF REQUEST <b>08 APR 1982</b>
FROM : <span style="border: 1px solid black; display: inline-block; width: 100px; height: 1.2em; vertical-align: middle;"></span>			SUSPENSE DATE

SUBJECT: Percy Floor Amendment to S.854, the "Foreign Missions Act"

## NOTES

Attached for transmittal to the ADCI is a letter to Senator Percy in support of a Senator Jackson amendment to S.854, the "Foreign Missions Act", as reported. Background to the Bill and the amendment is provided in referenced memorandum.

Attachment

COORDINATED WITH (List names as well as offices)

NAME		OFFICE	C/LED/OGC	DATE
NAME		OFFICE	SSA/DDA	DATE
NAME		OFFICE	C/CI/ICS	DATE
NAME	C/PCS/DDO	OFFICE		DATE

ACTION REQUIRED BY LC

## ROUTING AND RECORD SHEET

SUBJECT: (Optional) Senator Charles Percy (R., IL) Floor Amendment to S.854, the "Foreign Missions Act"

FROM: Director, Office of External Affairs  
7D43 Hqs

EXTENSION

NO.

EA 82-0893/A

STAT

DATE

9 APR 1982

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

- |     |                             |             |                        |
|-----|-----------------------------|-------------|------------------------|
| 1.  | Executive Director <i>m</i> | 13 APR 1982 | <i>J</i>               |
| 2.  |                             |             |                        |
| 3.  | DDCI                        | 4/13        | <i>J</i>               |
| 4.  |                             |             |                        |
| 5.  | DCI                         | 4/14        | 16 APR 1982 <i>inc</i> |
| 6.  |                             | 18 APR 1982 | noted - Jones          |
| 7.  | DD/OEXA                     | 19 APR 1982 |                        |
| 8.  |                             |             |                        |
| 9.  | C/RLD                       |             |                        |
| 10. |                             |             |                        |
| 11. |                             |             |                        |
| 12. | Further action - OMB        |             |                        |
| 13. | Coord. etc -                |             |                        |
| 14. |                             | 19 APR 1982 |                        |
| 15. |                             |             |                        |

Attached for your signature is a letter to Senator Percy, Chairman of the Foreign Relations Committee, in support of a Senator Henry M. Jackson (D., WA) amendment to S.854, the "Foreign Missions Act", as reported (attached). Background to the Bill and the amendment is provided in referenced memorandum. I have also attached copies of the Bill, as reported, and the accompanying Senate Foreign Relations Report (97-283).

The letter for your signature has been coordinated with OGC, DDA, CI Staff (ICS), and the DDO.

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Attachments

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